

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Decapolis Systems, LLC,

Plaintiff,

v.

MedSys Group, LLC, Tenet Healthcare
Corporation, Universal Health Services, Inc.,
and Tyler Technologies, Inc.,

Defendants.

Civil Action No. 2:22-cv-146-JRG-RSP

Jury Trial Demanded

DEFENDANT MEDSYS GROUP, LLC’S ANSWER TO PLAINTIFF’S COMPLAINT

Defendant Medsys Group, LLC (“Medsys”) files this Answer and Affirmative Defenses to the Original Complaint for Patent Infringement filed by Decapolis Systems, LLC (“Decapolis”), and states as follows:

THE PARTIES

1. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 1 and, on that basis, denies them.
2. Admitted.
3. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 3 and, on that basis, denies them.
4. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 4 and, on that basis, denies them.

5. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 5 and, on that basis, denies them.

JURISDICTION AND VENUE

6. Admitted.

7. Medsys admits that, for purposes of this lawsuit only, jurisdiction over it is proper in this Court. Medsys denies the remainder of the allegations in paragraph 7.

8. Medsys admits that, for purposes of this lawsuit only, jurisdiction over it is proper in this Court. Medsys denies the remainder of the allegations in paragraph 8.

9. Medsys admits that, for purposes of this lawsuit only, jurisdiction over it is proper in this Court. Medsys denies the remainder of the allegations in paragraph 9.

10. Medsys admits that venue is proper in this district. Medsys denies the remainder of the allegations in paragraph 10.

PATENTS-IN-SUIT

11. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 11 and, on that basis, denies them.

12. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 12 and, on that basis, denies them.

13. Denied.

14. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 14 and, on that basis, denies them.

15. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 15 and, on that basis, denies them.

16. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 16 and, on that basis, denies them.

17. Denied.

18. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 18 and, on that basis, denies them.

19. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 19 and, on that basis, denies them.

20. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 20 and, on that basis, denies them.

21. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 21 and, on that basis, denies them.

22. Denied.

23. Denied.

24. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 24 and, on that basis, denies them.

25. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 25 and, on that basis, denies them.

26. Denied.

27. Denied.

28. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 28 and, on that basis, denies them.

29. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 29 and, on that basis, denies them.

30. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 30 and, on that basis, denies them.

31. Medsys admits that the Decapolis Patents issued. Medsys lacks sufficient knowledge to admit or deny the remaining allegations contained in paragraph 31 and, on that basis, denies them.

32. Denied.

33. Denied.

THE ACCUSED INSTRUMENTALITIES

34. Denied.

35. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 35 and, on that basis, denies them.

36. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 36 and, on that basis, denies them.

37. Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 37 and, on that basis, denies them.

38. Paragraph 38 contains no factual allegations for which a response is necessary.

COUNT I **Infringement of U.S. Patent No. 7,490,048**

39. Medsys incorporates its responses to paragraphs 1-38 above.

40. Medsys admits that it received notice of the '048 patent on the date it was served with the Original Complaint in this litigation. Medsys denies the remaining allegations in paragraph 40.

41. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 41 and, on that basis, denies them.

42. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 42 and, on that basis, denies them.

43. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 43 and, on that basis, denies them.

44. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 44 and, on that basis, denies them.

45. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 45 and, on that basis, denies them.

46. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 46 and, on that basis, denies them.

47. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 47 and, on that basis, denies them.

48. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 48 and, on that basis, denies them.

49. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 49 and, on that basis, denies them.

50. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 50 and, on that basis, denies them.

51. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 51 and, on that basis, denies them.

52. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 52 and, on that basis, denies them.

53. Medsys lacks sufficient knowledge to either admit or deny the allegations in paragraph 53 and, on that basis, denies them.

54. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 54 and, on that basis, denies them.

55. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 55 and, on that basis, denies them.

56. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 56 and, on that basis, denies them.

57. Medsys lacks sufficient knowledge to either admit or deny the allegations in paragraph 57 and, on that basis, denies them.

COUNT II
Infringement of U.S. Patent No. 7,464,040

58. Medsys incorporates by reference the responses to paragraphs 1 through 58 above.

59. Medsys admits that it received notice of the '040 patent as of the date it was served with the Original Complaint in this litigation. Medsys denies the remainder of the allegations in paragraph 59.

60. Denied.

61. Medsys lacks information sufficient to admit or deny the allegations in paragraph 61 and, on that basis, denies them.

62. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 62 and, on that basis, denies them.

63. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 63 and, on that basis, denies them.

64. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 64 and, on that basis, denies them.

65. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 65 and, on that basis, denies them.

66. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 66 and, on that basis, denies them.

67. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 67 and, on that basis, denies them.

68. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 68 and, on that basis, denies them.

69. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 69 and, on that basis, denies them.

70. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 70 and, on that basis, denies them.

71. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 71 and, on that basis, denies them.

72. Medsys lacked information sufficient to admit or deny the allegations in paragraph 72 and, on that basis, denies them.

73. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 73 and, on that basis, denies them.

74. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 74 and, on that basis, denies them.

75. Denied as to the allegations against Medsys. As to the allegations against the remaining defendants, Medsys lacks sufficient knowledge to admit or deny the allegations contained in paragraph 75 and, on that basis, denies them.

76. Medsys lacks information sufficient to admit or deny the allegations in paragraph 76 and, on that basis, denies them.

PRAYER FOR RELIEF

Medsys denies that Decapolis is entitled to any relief whatsoever, including without limitation, the relief requested in the Prayer for Relief. Medsys denies any factual allegations in the Prayer for Relief.

JURY DEMAND

The Jury Demand contains no factual allegations for which a response is necessary.

AFFIRMATIVE DEFENSES

Medsys alleges the affirmative defenses set forth below. Medsys reserves the right to allege additional defenses that may become known through the discovery process, including, but not limited to, inequitable conduct.

First Affirmative Defense

The Complaint fails to state a claim upon which relief can be granted and/or fails to plead allegations with sufficient particularity.

Second Affirmative Defense

Medsys has not committed any acts of patent infringement and does not infringe, directly or indirectly, any valid claim of the '040 patent.

Third Affirmative Defense

Medsys has not committed any acts of patent infringement and does not infringe, directly or indirectly, any valid claim of the '048 patent.

Fourth Affirmative Defense

Some or all of the claims of the '040 patent are invalid for failure to comply with the patent laws, including, without limitation, 35 U.S.C. §§ 102, 103, and/or 112.

Fifth Affirmative Defense

Some or all of the claims of the '048 patent are invalid for failure to comply with the patent laws, including, without limitation, 35 U.S.C. §§ 102, 103, and/or 112.

Sixth Affirmative Defense

On information and belief, Decapolis' claims for damages, if any, are limited to the extent Decapolis has failed to comply with 35 U.S.C. § 287, including to the extent Decapolis or any of Decapolis' licensees failed to mark products, provide proper notice, and/or to otherwise meet the requirements of 35 U.S.C. § 287.

Seventh Affirmative Defense

Decapolis' claims are barred, in whole or in part, by the doctrine of estoppel, including but not limited to prosecution history estoppel, that bars Decapolis from taking any position with respect to the scope of any asserted claim that has been surrendered during the prosecution of the applications that issued as the '040 patent.

Eighth Affirmative Defense

Decapolis' claims are barred, in whole or in part, by the doctrine of estoppel, including but not limited to prosecution history estoppel, that bars Decapolis from taking any position with respect to the scope of any asserted claim that has been surrendered during the prosecution of the applications that issued as the '048 patent.

Ninth Affirmative Defense

Some or all of the Decapolis' claims are barred, in whole or in part, by the equitable doctrines of laches, unclean hands, estoppel, implied license, waiver, acquiescence, and/or other equitable remedies.

Tenth Affirmative Defense

Medsys reserves the right to assert any additional defenses that further investigation or discovery may support, including, for example, inequitable conduct.

PRAYER FOR RELIEF

- A. That Decapolis' claims be dismissed with prejudice;
- B. That Decapolis take nothing by its Complaint;
- C. That the Court enter judgment that Medsys has not infringed the '040 patent;
- D. That the Court enter judgment that Medsys has not infringed the '048 patent;
- E. That the Court enter judgment that the '040 patent is invalid;
- F. That the Court enter judgment that the '048 patent is invalid;
- G. That Medsys is awarded its reasonable costs and attorneys' fees pursuant to 35 U.S.C. § 285 and the Court's inherent authority; and
- H. That the Court award Medsys such other relief as the Court deems just and proper.

JURY DEMAND

Medsys demands a jury trial on all issues so triable to a jury in the action pursuant to Fed. R. Civ. P. 38.

Dated: July 29, 2022

Respectfully submitted,

/s/ Claire Abernathy Henry

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**ATTORNEY FOR DEFENDANT,
MEDSYS GROUP, LLC.**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on all counsel of record by email on this 29th day of July, 2022.

/s/ Claire Abernathy Henry